

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EXPRESS MOBILE, INC.,

Plaintiff,

v.

SQUARESPACE, INC.,

Defendant.

Case No. 20-1163-RGA-JLH

EXPRESS MOBILE, INC.,

Plaintiff,

v.

HUBSPOT, INC.,

Defendant.

Case No. 20-1162-RGA-JLH

JOINT STIPULATION AND [PROPOSED] ORDER TO STAY LITIGATION

To resolve Defendants Squarespace, Inc.’s (“Squarespace”) and HubSpot, Inc.’s (“HubSpot”) motions for stays¹ in the above-captioned matters, Plaintiff Express Mobile, Inc. (“Express Mobile”) and Defendants Squarespace and HubSpot hereby stipulate, subject to the approval of the Court, as follows:

1. The above-captioned litigations shall be stayed until the conclusion of the currently pending *inter partes* review proceedings captioned IPR2021-01224, IPR2021-01226, IPR2021-01455, IPR2021-01456, and IPR2021-01457 (including any IPR proceedings joined with these proceedings) (collectively, “the IPR Proceedings”) through the final written decision(s) to be issued by the Patent Trial and Appeal Board.
2. Provided that the Court stays these cases pursuant to this stipulation, Squarespace and HubSpot each agree to the same estoppel under 35 U.S.C. § 315(e)(2) that would apply if they were the original petitioner in the IPR Proceedings. For avoidance of doubt, the parties agree that upon the issuance of final written decisions in the IPR Proceedings, and notwithstanding the Federal Circuit’s decision in *Network-1 Technologies, Inc. v. Hewlett-Packard Co.*, 981 F.3d 1015, 1027-28 (Fed. Cir. 2020) with respect to “joinder estoppel,” Squarespace and HubSpot will each be estopped from pursuing any invalidity grounds in the above-captioned litigations that the petitioner raised or reasonably could have raised as to the challenged claims in the IPR Proceedings.
3. The parties agree that, to the extent that any IPR Proceedings are terminated prior to the issuance of a final written decision, the estoppel provisions of paragraph 2 shall

¹ D.I. 50 (Squarespace); D.I. 44 (HubSpot).

not apply with respect to such terminated proceedings. Express Mobile further reserves the right to move to lift they stay if it believes that circumstances warrant.

The parties will provide the Court with a status update within fourteen (14) days after the termination of the last of the IPR Proceedings, whether by final written decision or otherwise.

Respectfully submitted,

Dated: June 29, 2022

DEVLIN LAW FIRM LLC

/s/ Timothy Devlin

Timothy Devlin (#4241)
1526 Gilpin Avenue
Wilmington, DE 19806
(302) 449-9010
tdevlin@devlinlawfirm.com
Attorneys for Plaintiff

MORRIS, NICHOLS, ARSHT &
TUNNELL LLP

/s/ Jennifer Ying

Jack B. Blumenfeld (#1014)
Jennifer Ying (#5550)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
jblumenfeld@morrisnichols.com
jying@morrisnichols.com

Brett M. Schuman
GOODWIN PROCTER LLP
Three Embarcadero Center, 28th Floor
San Francisco, CA 94111
(415) 733-6000

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
Renaissance Centre
405 N. King St., 8th Fl.
Wilmington, DE 19801
(302) 984-6331
dsilver@mccarter.com
ajoyce@mccarter.com

Andrew S. Ong
Abdul Abdullahi
GOODWIN PROCTER LLP
601 Marshall Street
Redwood City, CA 94063
(650) 752-3100

Attorneys for Defendant HubSpot, Inc.

Adam R. Brausa
Timothy C. Saulsbury
Vera Ranieri
Raghav R. Krishnapriyan
Eric C. Wiener
Annie A. Lee
DURIE TANGRI LLP
217 Leidesdorff Street
San Francisco, CA 94111
Tel: (415) 362-6666
abrausa@durietangri.com
tsaulsbury@durietangri.com
vranieri@durietangri.com
rkrishnapriyan@durietangri.com
ewiener@durietangri.com
alee@durietangri.com

Attorneys for Defendant Squarespace, Inc.

IT IS SO ORDERED this 29th day of June, 2022.

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE